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U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Administrator

DEPT. OF TRANSPORTATION

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800 Independence Ave., SW
Washington, DC 20591

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FAA-00-7018-53

Mr. Michael Skrobica
Vice President, Industry Monetary Affairs
Air Transport Association of Canada
255 Albert Street, Suite 1100
Ottawa, Ontario K1P 6A9

Roy Goldberg, Esq.
Schnader Harrison Segal & Lewis, L.L.C.
1300 Eye Street, NW.
Washington, DC 20005-3314

Dear Messrs. Skrobica and Goldberg:

The "Relief Requested," included as part of "Preliminary Objections and Comments of Air Transport Association of Canada (ATAC) to Second Fee Schedule for Overflights," Docket No. FAA-00-7018, which was presented by Mr. Goldberg at the June 29 public meeting on "overflight fees," and the verbal comments both of you provided on that date have been carefully considered by the Federal Aviation Administration (FAA). After reviewing the transcript of the meeting and the document you submitted, I am denying your requests.

The FAA has complied with all applicable substantive and procedural laws in promulgating the Interim Final Rule. This rulemaking correctly imposes fees to recover from certain users the costs directly related to FAA services provided those users, as required by Section 273 of the 1996 FAA Reauthorization Act (the Act), Public Law 104-264.

This Interim Final Rule process, in accordance with the Act and the Administrative Procedure Act (APA), 5 U.S.C. 553 et. seq., provides users and other members of the public with a consultative process that allows for full involvement of interested parties as well as public review of all facets of this rulemaking prior to the issuance of a Final Rule.

Under the APA, all comments in this rulemaking will be fully considered by the FAA in its issuance of the required Final Rule. Comments received may cause the FAA to change either the Interim Final Rule or the Final Rule. Once the rulemaking is completed, discussions with all users, including ATAC, concerning the basis for future changes in the fees will be welcomed and encouraged by the FAA.

Accordingly, for the reasons stated above, your requests are hereby denied.

Sincerely,

Jane F. Garvey
Administrator